

AMENDED IN SENATE MARCH 28, 2007

SENATE BILL

No. 523

Introduced by Senator Yee

February 22, 2007

An act to ~~add and repeal Section 4015~~ *amend, repeal, and add Section 4505* of the Family Code, relating to child support.

LEGISLATIVE COUNSEL'S DIGEST

SB 523, as amended, Yee. Child support: order to seek employment.

Existing law allows a court, in any proceeding in which there is at issue the support of a child for whom support is authorized under specified provisions of law, to order either or both parents to pay an amount necessary for the support of the child. Existing law allows a court to issue various orders to enforce a delinquent child support obligation, including an order requiring the delinquent parent to submit to any of specified entities, each 2 weeks or at a frequency deemed appropriate by the court, a list of at least 5 different places the parent has applied for employment.

This bill would, until January 1, ~~2013~~ *2014*, establish a pilot project in the County of San Mateo to allow a court to ~~require an unemployed parent who is not delinquent in his or her child support payments to seek employment. The bill would require the court to consider the anticipated sources of child support payments submitted by the parent, and would allow the court to issue the order if it determines that there is a substantial likelihood that the parent will be unable to meet his or her child support obligations without employment. It would allow such an order to require the parent to order a parent, concurrent with an initial child support order, to submit to the court appropriate child support enforcement agency, or any other entity designated by the court,~~

a list of at least 5 different places to which the parent has applied for employment. The bill would prohibit the court from issuing a citation for contempt for the failure of the parent to comply with the order unless the parent has become delinquent in his or her child support payments.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 4505 of the Family Code is amended to
2 read:
3 4505. (a) A court may require a parent who alleges that the
4 parent's default in a child or family support order is due to the
5 parent's unemployment to submit to the appropriate child support
6 enforcement agency or any other entity designated by the court,
7 including, but not limited to, the court itself, each two weeks, or
8 at a frequency deemed appropriate by the court, a list of at least
9 five different places the parent has applied for employment.
10 (b) (1) *The Superior Court of the County of San Mateo may*
11 *order a parent, concurrent with an initial child support order, to*
12 *submit to the appropriate child support enforcement agency or*
13 *any other entity designated by the court, including, but not limited*
14 *to, the court itself, each two weeks, or at a frequency deemed*
15 *appropriate by the court, a list of at least five different places the*
16 *parent has applied for employment during each two week period*
17 *or other designated interval.*
18 (2) *The Superior Court of the County of San Mateo shall not*
19 *issue a citation for contempt for the failure of a parent to comply*
20 *with an order issued pursuant to paragraph (1) unless the parent*
21 *has become delinquent in his or her child support payments.*
22 (3) *The San Mateo County child support enforcement agency*
23 *shall report to the department and the appropriate committees of*
24 *the Legislature, on or before September 1, 2012, on the*
25 *performance of the pilot program described in this subdivision.*

1 (c) *This section shall remain in effect only until January 1, 2014,*
2 *and as of that date is repealed, unless a later enacted statute, that*
3 *is enacted before January 1, 2014, deletes or extends that date.*

4 SEC. 2. *Section 4505 is added to the Family Code, to read:*

5 4505. (a) *A court may require a parent who alleges that the*
6 *parent's default in a child or family support order is due to the*
7 *parent's unemployment to submit to the appropriate child support*
8 *enforcement agency or any other entity designated by the court,*
9 *including, but not limited to, the court itself, each two weeks, or*
10 *at a frequency deemed appropriate by the court, a list of at least*
11 *five different places the parent has applied for employment.*

12 (b) *This section shall become operative on January 1, 2014.*

13 SEC. 3. *No reimbursement is required by this act pursuant to*
14 *Section 6 of Article XIII B of the California Constitution because*
15 *the only costs that may be incurred by a local agency or school*
16 *district are the result of a program for which legislative authority*
17 *was requested by that local agency or school district, within the*
18 *meaning of Section 17556 of the Government Code and Section 6*
19 *of Article XIII B of the California Constitution.*

20 ~~SECTION 1. Section 4015 is added to the Family Code, to~~
21 ~~read:~~

22 ~~4015. (a) There is hereby established a pilot program in the~~
23 ~~County of San Mateo to allow a court to require an unemployed~~
24 ~~parent who is not delinquent in his or her child support payments~~
25 ~~to seek employment pursuant to this section.~~

26 ~~(b) A court may, upon a showing of good cause, require a parent~~
27 ~~who is unemployed and who is required to make child support~~
28 ~~payments pursuant to Section 4001 to provide a description of the~~
29 ~~anticipated sources of those payments.~~

30 ~~(c) The court shall consider all anticipated sources of payment~~
31 ~~submitted by the parent pursuant to subdivision (b), including~~
32 ~~loans, gifts, or other means of meeting child support obligations.~~

33 ~~(d) If the court determines, after considering the anticipated~~
34 ~~sources of payment submitted pursuant to subdivision (b), that~~
35 ~~there is a substantial likelihood that the parent will be unable to~~
36 ~~meet his or her child support obligations without employment, the~~
37 ~~court may issue an order requiring the parent to seek employment.~~

38 ~~(e) The order may require the parent to seek appropriate~~
39 ~~employment within his or her range of experience and abilities.~~
40 ~~The order may also require the parent to submit to the court, at a~~

1 frequency deemed appropriate by the court, a list of at least five
2 different places to which the parent has applied for employment.

3 (f) The court may not issue a citation for contempt for the failure
4 of a parent to comply with an order issued pursuant to subdivision
5 (d) unless the parent has become delinquent in his or her child
6 support payments.

7 (g) This section shall remain in effect only until January 1, 2013,
8 and as of that date is repealed, unless a later enacted statute, that
9 is enacted before January 1, 2013, deletes or extends that date.